

Serial No. 09/944,150

Attorney Docket No. 12-006

REMARKS

The foregoing listing of claims amended claim 20 by adding the word "directly" thereto. Amended claim 20 defines that at least a portion of the modified polymer material is modified by a first modifier, the first modifier having at least two successive carbon atoms "directly" covalently bonded to carbon atoms of the backbone chain. This aspect of the presently claim invention is described on page 5, lines 28-35 and elsewhere in the present specification disclosure or in paragraphs [0020] and [0047] and elsewhere of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. §1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The outstanding Office action stated that claim 20 does not recite that two successive carbon atoms are "directly" covalently bonded to a carbon atom in the backbone carbon chain of the modified polymer material. Applicant respectfully submits that the language previously set forth in claim 20 that "two successive carbon atoms are covalently bonded to a carbon atom in the backbone carbon chain of the modified polymer material" patently distinguished the presently claimed invention from the teachings of EP 0 898 316 of Tsukuda *et al.* (Tsukuda). However, claim 20 was amended to clarify that the two successive carbon atoms are "directly" covalently bonded to a carbon atom in the backbone carbon chain of the modified polymer material. These amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and are not being made for reasons substantially related to patentability presented. For all these reasons, applicant respectfully requests that the foregoing amendments be entered under the provisions of

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37 C.F.R. §1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

Claims 20, 23, 24, and 26 remain pending in the application. Claims 1-19, 21-22, 25, and 27-32 were previously canceled. Claims 24 and 26 were withdrawn from consideration as being directed to a non-elected invention. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 20 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tsukuda. This rejection appears on pages 2 to 4 of the Official action. Applicant respectfully submits that the inventions defined in claims 20 and 23 are patentably distinguishable from the teachings of Tsukuda within the meaning of 35 U.S.C. §103(a) for at least the following reasons.

Present claim 20 requires, *inter alia*, that at least a portion of the modified polymer material is modified by a first modifier, the first modifier having at least two successive carbon atoms "*directly covalently bonded to carbon atoms of the backbone chain.*" This expression in claim 20 means that at least two successive carbons of the first modifier are bonded to a carbon atom of the polymer backbone material not by ester linkage or ether linkage, but *directly* by a *covalent* carbon to carbon bond. This covalent bonding can be achieved either by (1) radiating a high-energy beam or by (2) heating after coating an initiator on the surface of the porous film, as discussed at page 24, line 26 *et seq.* of the present specification disclosure or paragraph [0105] *et seq.* of U.S. Patent Publication No. 2002-0160256 A1, which corresponds to the present application.

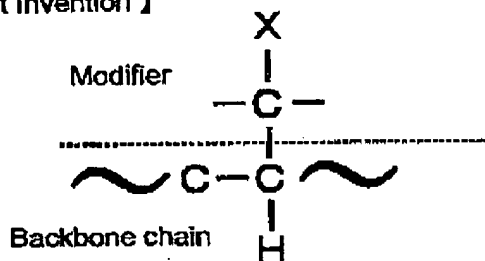
In other words, the present claims define that carbon atoms of the backbone are *covalently bonded* to the carbon atom of the first modifier. On the other hand, the teachings of Tsukuda propose that the carbon atoms of the backbone are covalently bonded to the first

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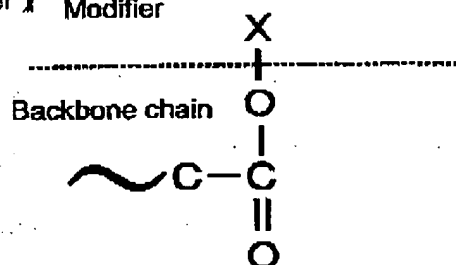
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modifier through an oxygen atom. The differences between the presently claimed invention and the teachings of Tsukuda are shown in the following diagrams:

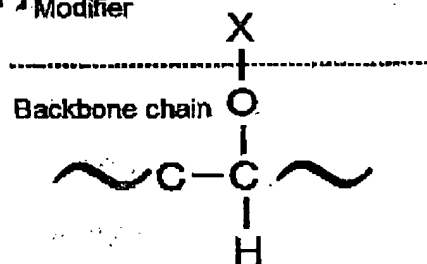
【 Present Invention 】



【 Ester 】



【 Ether 】



For at least the foregoing reasons, applicant respectfully submits that the teachings of Tsukuda do not contemplate or suggest the direct covalent bonding between the first modifier and the carbon atoms of the backbone chain or any method of achieving this bonding, as required in the present claims. In fact, the teachings of Tsukuda by proposing an ester or ether linkage teach away from the presently claimed direct covalent bonding of carbon atoms, and therefore cannot contemplate or suggest the inventions set forth in the present claims. *United States v. Adams*, 383 U. S. 39, 40 (1966); *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). At least for these reasons, applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda.

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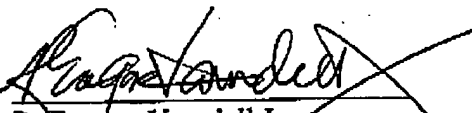
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For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 20 and 23 are patently distinguishable from the teachings of Tsukuda within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw any rejection over these teachings. Since claims 20 and 23 are in condition for allowance, applicant respectfully request a rejoinder of these claims with withdrawn claims 24 and 26 and a formal allowance of claims 20, 23, 24, and 26.

The foregoing is a complete and proper response to the Official action mailed November 11, 2007. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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